

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JASON GERAY,
Plaintiff,
v.
JOE LIZARRAGA,
Defendant.

Case No. [14-cv-03572-VC](#)

**ORDER GRANTING PLAINTIFF'S
MOTION FOR EXTENSION OF TIME
TO SHOW CAUSE WHY PETITION
SHOULD NOT BE DISMISSED FOR
LACK OF EXHAUSTION**

Re: Dkt. No. 16

Petitioner Jason Geray, a state prisoner, filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On September 30, 2014, the Court issued an order for Geray to show cause why his petition should not be dismissed for failure to exhaust state remedies. The Court stated that Geray's petition appeared to assert only unexhausted claims and a fully unexhausted petition must be dismissed. *See Rasberry v. Garcia*, 448 F.3d 1150, 1154 (9th Cir. 2006). The Court also noted that, if some of Geray's claims have been exhausted, he may be able to have his petition stayed while he exhausts the unexhausted claims in state court.

Geray now moves for thirty additional days in which to show that some of his claims have been exhausted so that his petition will not be dismissed. This motion is granted. Geray is granted thirty days from the date of this order to show that some claims have been exhausted. If he is able to do this, then he should accompany his new petition with a motion to stay and abey it while he exhausts his unexhausted claims. The Court will not entertain any further motions for extensions of time. This Order terminates docket number 16.

IT IS SO ORDERED.

Dated: October 27, 2014



VINCE CHHABRIA
United States District Judge